

## **REMARKS**

### **I. Introductory Comments**

In the Office Action under reply, the Examiner rejected the claims as follows: under 35 U.S.C. §112, first paragraph (claims 28-30, 38-44, 47-49, 53 and 54).

### **II. Status of the Claims**

Claims 28-30, 38-44, 47-49, 53 and 54 were previously pending.

Claims 28 and 48 have been amended and claim 47 has been canceled with the ability to prosecute the previously pending subject matter in one or more applications. Thus, claims 28-30, 38-44, 48, 49, 53 and 54 remain under consideration.

Support for the changes to the claims is identified below. Additional support other than that identified below may exist in the originally filed application for one or more changes to the claims.

Claim 28 has been amended to recite a nominal average molecular weight range for the water-soluble polymer segment of from about 2,000 daltons to about 25,000 daltons. Support for this range can be found in the originally filed specification at page 30, lines 23-24.

Claims 48 has been amended so as to have the claim depend from a currently pending claim.

As support for the changes is found in the application as filed, no new matter is introduced by the entry of the above-identified changes. The changes to the claims are made for clarification purposes only should not be interpreted as acquiescence in any claim rejection.

### **III. The Rejection Under 35 U.S.C. §112, First Paragraph**

The Examiner has rejected claims 28-30, 38-44, 47-49, 53 and 54 under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Specifically, the Examiner has taken the position that independent claim 28's previous recitation of a nominal average molecular weight range of from about 2,000 daltons to about 100,000 daltons introduced new matter.

Although Applicant believes that the originally filed specification has support for reciting a nominal average molecular weight in the range of from about 2,000 daltons to about 100,000 daltons (and therefore reserves the right to seek such a range in one or more applications claiming priority to the present application), Applicant has amended the claim to recite a nominal average molecular weight in a range that appears *word-for-word* in the originally filed specification. Specifically, as pointed out above, page 30, lines 23-24, recites a nominal average molecular weight of "from about 2,000 Daltons to about about 25,000 Daltons" with regard to water-soluble polymers.

In view of the above, there can be no doubt that the subject matter introduced by the present amendment is fully supported by the originally filed specification and does not represent the introduction of new matter into claim 28 (or claims dependent thereon). Consequently, reconsideration and removal of the rejection under 35 U.S.C. §112, first paragraph, are respectfully requested.

#### IV. Conclusion


In view of the foregoing, Applicant submits that the pending claims satisfy the requirements of patentability and are therefore in condition for allowance. Reconsideration and withdrawal of all objections and rejections are respectfully requested and a prompt mailing of a Notice of Allowance is earnestly solicited.

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 620-5506.

Respectfully submitted on behalf of  
Nektar Therapeutics AL, Corporation,

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By: \_\_\_\_\_

  
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